



Rules and Ancillary Document Review Checklist
(This form must be filled out electronically.)

All responses should be in **bold** format.

Document Reviewed (include title):

WAC 458-12-085 Listing of personalty – Merchants – Personalty – Consignments

Date last adopted: **4/29/68**

Reviewer: **Joseph D. Simmonds**

Date review completed: **12/1/00**

Is this document being reviewed at this time because of a taxpayer or business association request? (If “YES”, provide the name of the taxpayer/business association and a brief explanation of the issues raised in the request). **YES** ☐ **NO** ☒

Type an “x” in the column that most correctly answers the question, and provide clear, concise, and complete explanations where needed.

1. Explain the goal(s) and purpose(s) of the document: The goal and purpose of WAC 458-12-085 is to provide information and guidance to assessors and taxpayers regarding the requirements to list inventory, consigned goods, growing stock of nurserymen, and other personalty.

2. Need:

YES	NO	
	X	Is the document necessary to comply with the statutes that authorize it? (E.g., Is it necessary to comply with or clarify the application of the statutes that are being implemented? Does it provide detailed information not found in the statutes?)
X		Is the document obsolete to a degree that the information it provides is of so little value that the document warrants repeal or revision?
X		Have the laws changed so that the document should be revised or repealed? (If the response is “yes” that the document should be repealed, explain and identify the statutes the rule implemented, and skip to Section 10.)
	X	Is the document necessary to protect or safeguard the health, welfare (budget levels necessary to provide services to the citizens of the state of Washington), or safety of Washington’s citizens? (If the response is “no”, the recommendation must be to repeal the document.)

Please explain. **WAC 458-12-085 was filed April 29, 1968 prior to the inventory phase-out enacted by the Laws of 1983, 1st Ex.Sess., Chapter 62. The WAC explains the listing requirements of merchants, nurserymen, and consigned goods of inventory that is now**



exempt by RCW 84.36.477 and RCW 84.36.470. The inventory phase out enacted by the legislature in 1983 negated the need for this rule.

3. Related ancillary documents, court decisions, BTA decisions, and WTDs: Complete Subsection (a) only if reviewing a rule. Subsection (b) should be completed only if the subject of the review is an ancillary document. Excise Tax Advisories (ETAs), Property Tax Bulletins (PTBs) and Audit Directives (ADs) are considered ancillary documents.

(a)

YES	NO	
	X	Are there any ancillary documents that should be incorporated into this rule? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	X	Are there any ancillary documents that should be repealed because the information is currently included in this or another rule, or the information is incorrect or not needed? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	X	Are there any Board of Tax Appeal (BTA) decisions, court decisions, or Attorney Generals Opinions (AGOs) that provide information that should be incorporated into this rule?
	X	Are there any administrative decisions (e.g., Appeals Division decisions (WTDs)) that provide information that should be incorporated into the rule?

(b)

YES	NO	
		Should this ancillary document be incorporated into a rule?
		Are there any Board of Tax Appeal (BTA) decisions, court decisions, or Attorney Generals Opinions (AGOs) that affects the information now provided in this document?
		Are there any administrative decisions (e.g., Appeals Division decisions (WTDs)) that provide information that should be incorporated into the document?

If the answer is “yes” to any of the questions in (a) or (b) above, identify the pertinent document(s) and provide a brief summary of the information that should be incorporated into the document.

4. Clarity and Effectiveness:

YES	NO	
X		Is the document written and organized in a clear and concise manner?
X		Are citations to other rules, laws, or other authority accurate? (If no, identify the incorrect citation below and provide the correct citation.)
X		Is the document providing the result(s) that it was originally designed to



		achieve? (E.g., does it reduce the need for taxpayers to search multiple rules or statutes to determine their tax-reporting responsibilities, help ensure that the tax law and/or exemptions are consistently applied?)
	X	Do changes in industry practices warrant repealing or revising this document?
	X	Do any administrative changes within the Department warrant repealing or revising this document?

Please explain. **WAC 458-12-085 was filed April 29, 1968. At the time of its filing the rule was written and organized in a clear and concise manner and provided the results it was originally designed to achieve. However, as set out in # 2, above, the rule is no longer valid.**

5. Intent and Statutory Authority:

YES	NO	
X		Does the Department have sufficient authority to adopt this document? (Cite the statutory authority in the explanation below.)
X		Is the document consistent with the legislative intent of the statutes that authorize it? (I.e., is the information provided in the document consistent with the statute(s) that it was designed to implement ?) If “no”, identify the specific statute and explain below. List all statutes being implemented in Section 9, below.)
	X	Is there a need to recommend legislative changes to the statutes being implemented by this document?

Please explain.

RCW 84.08.010 give DOR general supervision and control over the administration of the assessment and tax laws of the state.

RCW 84.08.070 gives the DOR the statutory authority to adopt this rule.

RCW 84.36.477 was enacted by the Laws of 1983, 1st EX.Sess., Chapter 62 § 6, effective January 1, 1984. The inventory phase-out enacted by these laws made it no longer necessary for merchants to list their business inventories.

The Laws of 1997, Chapter 156, § 6, most recently amended the exemption for agricultural products provided in RCW 84.36.470. This legislation cites RCW 82.04.213 for a definition of “agriculture products.”

6. Coordination: Agencies should consult with and coordinate with other governmental entities that have similar regulatory requirements when it is likely that coordination can reduce duplication and inconsistency.

YES	NO	
	X	Could consultation and coordination with other governmental entities and/or



		state agencies eliminate or reduce duplication and inconsistency?
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Please explain.

No other federal or state agency oversees or supervises the administration of the property tax program. The department works with the county assessors and taxpayers during the rule making activities for this tax program to prevent chances of developing inconsistent rules.

7. Cost: When responding, consider only the costs imposed by the document being reviewed and not by the statute.

YES	NO	
	X	Have the qualitative and quantitative benefits of the document been considered in relation to its costs? (Answer “yes” only if a Cost Benefit Analysis was completed when the rule was last adopted or revised.)

Please explain. **This is an interpretive rule that imposes no additional burden not already imposed by statute.**

8. Fairness: When responding, consider only the impacts imposed by the document being reviewed and not by the statute.

YES	NO	
X		Does the document result in equitable treatment of those required to comply with it?
	X	Should it be modified to eliminate or minimize any disproportionate impacts on the regulated community?
	X	Should the document be strengthened to provide additional protection to correct any disproportionate impact on any particular segment of the regulated community?

Please explain.

This rule applies to all taxpayers and county assessors in a uniform, equitable and consistent manner.

9. LISTING OF DOCUMENTS REVIEWED: (Use “bullets” with any lists, and include documents discussed above. Citations to statutes, ancillary documents, and similar documents should include titles. Citations to Attorneys General Opinions (AGOs) and court, Board of Tax Appeals (BTA), and Appeals Division (WTD) decisions should be followed by a brief description (i.e., a phrase or sentence) of the pertinent issue(s).)

Statute(s) Implemented:

- **RCW 84.36.470 Agriculture products—Exemption.**
- **RCW 84.36.477 Business inventories.**



- **RCW 84.40.030 Basis of valuation, assessment, appraisal—One hundred percent of true and fair value—Exceptions—Leasehold estates—Real property—Appraisal—Comparable sales.**
- **RCW 84.40.220 Merchant's personalty held for sale – Consignment from out of state – Nursery stock assessable as growing crops.**
- **RCW 82.04.213 "Agricultural product," "farmer."**
- **WAC 458-12-085 Listing of personalty – Merchants – Personalty – Consignments.**
- **WAC 458-12-310 Valuation of property—Personal property**

Ancillary Documents (i.e., ETAs, PTBs, and ADs):

Court Decisions:

Board of Tax Appeals Decisions (BTAs):

Administrative Decisions (e.g., WTDs):

Attorney General's Opinions (AGOs):

- **AGO 35-36, p. 174 TAXATION—PERSONAL PROPERTY; ASSESSABLE AND TAXABLE IN DISTRICT WHERE LOCATED**

Other Documents (e.g., special notices or Tax Topic articles, statutes or regulations administered by other agencies or government entities, statutes, rules, or other documents that were reviewed but were not specifically relevant to the subject matter of the document being reviewed):

- **RCW 82.04.330—Exemptions—Farmers—Agriculture.**

10. Review Recommendation:

_____ Amend

_____ **X** _____ Repeal

_____ Leave as is

_____ Begin the rule-making process for possible revision. (Applies only when the Department has received a petition to revise a rule.)

_____ Incorporate ancillary document into a new or existing rule. (Subject of this review must be an ancillary document and not a rule.)

Explanation of recommendation: (If recommending an amendment of an existing rule, provide only a brief summary of the changes you've identified/recommended earlier in this review document.)

WAC 458-12-085 should be repealed as the Laws of 1983 exempted business inventory that this rule was implemented to explain. Additionally RCW 84.36.470 exempts agricultural products of nurserymen as defined in RCW 82.04.213.



11. Manager action: Date: _____

_____ Reviewed recommendation _____ Accepted recommendation

_____ Returned for further action

Comments: